

Docket No: 206.00360101

**DECLARATION**

I, Khari S. Clarke, the sole inventor of the invention claimed, declare that: (1) my citizenship and residence/mailling address are indicated below; (2) I have reviewed and understand the contents of the specification identified below, including the claims, as amended by any amendment specifically referred to herein, (3) I believe that I am the original and first inventor of the subject matter in

**WALK-BEHIND IMPLEMENT AND HANDLE ASSEMBLY RELEASE APPARATUS  
FOR USE WITH SAME**

Filed: March 1, 2004

Serial No.: 10/790,355

described and claimed therein and for which a patent is sought; and (4) I hereby acknowledge my duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56.\*

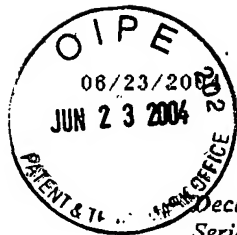
I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate listed below, or §365(a) of any PCT international application which designates at least one country other than the United States of America listed below, and have also identified below any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on the basis of which priority is claimed:

a. ☒ no such applications have been filed.b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC §119(a)-(d), §365(a), and/or §365(b)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

ALL FOREIGN APPLICATIONS, IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

\* Title 37, Code of Federal Regulations, §1.56 is reproduced on the attached page.



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MUETING RAASCH GEBHARDT

006

**Declaration**

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I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

- a. ☒ no such applications have been filed.  
b. ☐ such applications have been filed as follows:

PROVISIONAL APPLICATION(S), IF ANY, UNDER 35 USC §119(e)	
APPLICATION NUMBER	DATE OF FILING (day, month, year)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States applications or §365(c) of any PCT international application(s) designating the United States of America, listed below.

- a. ☒ no such applications have been filed.  
b. ☐ such applications have been filed as follows:

APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

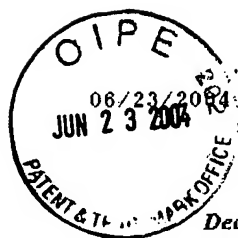
Insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

The undersigned declares further that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Wherefore, I pray that Letters Patent be granted to me for the invention described and claimed in the specification identified above and I hereby subscribe my name to the foregoing specification, claims, and Declaration on the date indicated below.

Khari S. Clarke  
Citizenship: USA  
Residence: 3650 Russell Avenue North, Minneapolis, MN 55412  
Mailing Address:  
(If different than Residence)

6-7-04  
Date



06/23/2004 13:00 FAX 6123051228

MUETING RAASCH GEBHARDT

007

**Declaration**

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**§ 1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.



PATENT  
Docket No. 206.00360101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Khari S. Clarke	)	Group Art Unit:	3671
		)		
Serial No.:	10/790,355	)	Examiner:	Unassigned
Confirmation No.:	9409	)		
		)		
Filed:	March 1, 2004	)		
		)		
For:	WALK-BEHIND IMPLEMENT AND HANDLE ASSEMBLY RELEASE APPARATUS FOR USE WITH SAME			

ELECTION UNDER 37 C.F.R. § 3.71, REVOCATION,  
POWER OF ATTORNEY, AND CERTIFICATE UNDER § 3.73(b)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

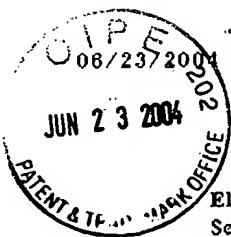
Dear Sir:

The Assignee, The Toro Company, of the entire interest in the above-identified application hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor.

The Assignee hereby revokes any previous Powers of Attorney and appoints:

Adams, Matthew W.	Reg. No. 43,459
Albin, Loren D.	Reg. No. 37,763
Franklin, Kathleen L.	Reg. No. 47,574
Gebhardt, Mark J.	Reg. No. 35,518
Johnson, Nancy A.	Reg. No. 47,266
Muetting, Ann M.	Reg. No. 33,977
Provence, David L.	Reg. No. 43,022
Raasch, Kevin W.	Reg. No. 35,651
Sandberg, Victoria A.	Reg. No. 41,287
Stordal, Leif T.	Reg. No. 46,251
Buckley, R. Lawrence	Reg. No. 30,732
Trevvarthen, Donald S.	Reg. No. 35,718
Hanscom, Douglas R.	Reg. No. 26,600

as its attorney or agent (with full powers of appointment, substitution and revocation) to prosecute the application, and any division, continuation, continuation-in-part, reexamination or



Election Under 37 C.F.R. § 3.71, Revocation, Power of Attorney and Certificate under § 3.73(b) Page 2 of 2

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reissue thereof, to make alterations and amendments therein, and to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent.

Please send correspondence to the following address:

Attention: Matthew W. Adams

Mueting, Raasch & Gebhardt, P.A.

P.O. Box 581415

Minneapolis, MN 55458-1415

Customer Number 26,813

**Statement under 37 C.F.R. § 3.73(b)**

The Toro Company states that it is the assignee of the entire right, title and interest in the above-identified patent application by virtue of assignment from the inventor of the above-identified patent application to The Toro Company. A copy of the assignment is attached. The assignment has been or is concurrently being recorded with the U.S. Patent and Trademark Office.

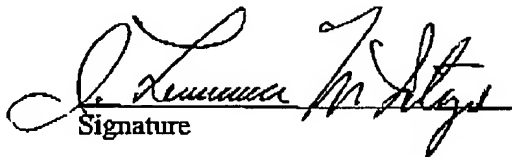
The undersigned (whose title is supplied below) is empowered to sign this document on behalf of the Assignee.

ASSIGNEE:

The Toro Company

June 21, 2004

Date



Signature

J. Lawrence McIntyre

Typed or Printed Name

Vice President, Secretary

Title and General Counsel



COPY

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ASSIGNMENT

Whereas I, Khari S. Clarke, with residence and citizenship as indicated below; have made an invention in

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RELEASE APPARATUS FOR USE WITH SAME

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and executed an application for Letters Patent of the United States of America based thereon;

Now, therefore, for good and valuable consideration, receipt of which is acknowledged, I have agreed to assign and transfer and do hereby assign and transfer unto The Toro Company ("Company"), a corporation of Delaware, having its principal office at 8111 Lyndale Avenue South, Bloomington, MN 55420-1196, its successors and assigns, the entire right, title, and interest in and to said invention and application, and in and to any division or continuation (in whole or in part) of said application, and in and to any and all improvements in said invention made by me or made jointly with others (provided any such improvement is made during, or within one year after the termination of, my employment by the Company), and in and to any and all Letters Patent, reexaminations, reissues, or extensions thereof, of the United States of America and countries foreign thereto (including the right to apply for Letters Patent, Utility Models, or Inventors' Certificates in foreign countries in its own name and to claim any priority rights for such foreign applications to which such applications are entitled under international conventions, treaties, or otherwise), which have been or may be granted thereon or on any divisional, continuation (in whole or in part), renewal, reexamination, reissue, or other or further application based in whole or in part upon said invention or improvements thereon, to be held and enjoyed as fully and exclusively as they would have been by me had this assignment and transfer not been made;

I do further agree for myself and for my heirs, executors, and administrators, to execute and deliver without further consideration any further applications, assignments, and documents, and to perform such other acts as I lawfully may, that may be deemed necessary by the Company, its successors, assigns, and nominees, fully to secure its right, title, and interest as aforesaid and to obtain or maintain Letters Patent, Utility Models, or Inventors' Certificates in any and all countries;

And I do hereby authorize and request the Commissioner of Patents to issue any and all Letters Patent which may be granted upon any of said applications, to The Toro Company as the assignee of the entire right, title, and interest therein.

In witness whereof, I have hereunto signed my name on the day and year set forth below.

Khari S. Clarke  
Name: Khari S. Clarke  
Address: 3650 Russell Avenue North, Minneapolis, MN 55412  
Citizenship: USA

6-7-04  
Date

STATE OF MINNESOTA )  
COUNTY OF HENNEPIN ) ss.

On this 21 day of JUNE 2004, before me personally appeared KHARI S. CLARKE  
to me known to be the person described in and who executed the foregoing instrument, and he/she executed the same  
for the uses and purposes therein set forth.

[Signature]  
Notary Public

